

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARVIN BANKS,
Plaintiff,

v.

C.O. 1 S. TUCKER, *et al.*,
Defendants.

FILED
MAY 08 2018
By KATE BARKMAN, Clerk
Dep. Clerk
:

CIVIL ACTION NO. 18-CV-1445

ORDER

AND NOW, this 8th day of May, 2018, upon consideration of Plaintiff Marvin Banks's Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 1), his Prisoner Trust Fund Account Statement (ECF No. 6) and his *pro se* Complaint (ECF No. 3), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. Banks, #ND-5137, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Banks, an initial partial filing fee of \$3.32 is assessed. The Superintendent or other appropriate official at SCI Benner Township or at any other prison at which Banks may be incarcerated is directed to deduct \$3.32 from Banks's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 18-1445. After the initial partial filing fee is collected and until the full filing fee is paid, the Superintendent or other appropriate official at SCI Benner Township or at any other prison at which Banks may be incarcerated, shall deduct from Banks's account, each time that Banks's inmate trust fund account exceeds \$10, an amount no greater than 20 percent of the money

credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 18-1445.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent of SCI Benner Township.

4. The Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons set forth in the Court's Memorandum. Banks may not file an amended complaint in this matter.

5. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:



C. DARNELL JONES, II, J.